



2. Under Fed. R. Bankr. P. 7012(a), Defendant's answer or other responsive pleading was due no later than June 18, 2025.
3. NFCU did not answer or otherwise respond by the June 18 deadline. On June 20, 2025, Plaintiff filed a Request for Entry of Default (ECF #7) and a Motion for Default Judgment (ECF #8), pursuant to Fed. R. Bankr. P. 7055 and Fed. R. Civ. P. 55(a)-(b).
4. On June 27, 2025, NFCU filed a Notice of Appearance (ECF #9), but still did not respond to the adversary complaint or seek relief from default.
5. On July 1, 2025, NFCU filed a Motion to Dismiss Adversary Complaint or Abstain (ECF #10). However, this filing is procedurally improper and untimely.
6. Under Fed. R. Civ. P. 55(c), made applicable by Fed. R. Bankr. P. 7055, a party in default may not proceed with substantive motions, including a motion to dismiss, unless the party first obtains relief from default by filing a Rule 55(c) motion to set aside the default. See *O'Rourke v. Smithsonian Inst. Press*, 399 F.3d 113, 122 (2d Cir. 2005) (court may strike filings made in contravention of procedural rules); see also Fed. R. Civ. P. 12(f).
7. NFCU has not filed a Rule 55(c) motion, nor has the Court set aside the default entered based on Defendant's failure to plead or otherwise defend.
8. Permitting NFCU to proceed with a motion to dismiss while in default would undermine the orderly administration of adversary proceedings and render Rule 55(c) meaningless.

WHEREFORE, Plaintiff respectfully requests that this Court strike Defendant's Motion to Dismiss Adversary Complaint as procedurally barred unless and until the

Court grants relief from default under Rule 55(c), and grant such other and further relief as is just and proper.

Respectfully submitted,

Date: July 2, 2025

A handwritten signature in black ink, appearing to read 'Idris Abdus-Saber', written over a horizontal line.

Idris Abdus-Saber, Pro Se  
45 East City Avenue  
Suite 525  
Bala Cynwyd, PA 19004

**UNITED STATES BANKRUPTCY COURT  
EASTERN DISTRICT OF PENNSYLVANIA**

<b>In re:</b>	)	<b>Chapter 13</b>
<b>IDRIS ABDUS SABER,</b>	)	
	)	<b>Case No. 25-11841-amc</b>
<b>Debtor</b>	)	

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<b>Idris Abdus-Saber,</b>	)	
<b>Plaintiff,</b>	)	
	)	
<b>v.</b>	)	
<b>Navy Federal Credit Union,</b>	)	<b>Adversary Proceeding No.: 25-00150-amc</b>
<b>Defendant.</b>	)	

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**ORDER**

AND NOW, this \_\_\_\_ day of \_\_\_\_\_, 2025, upon consideration of Plaintiff's Motion to Strike Defendant's Motion to Dismiss Adversary Complaint (ECF #10), and for good cause shown, it is hereby ORDERED that:

1. Plaintiff's Motion is GRANTED;
2. The Motion to Dismiss Adversary Complaint or Abstain, filed by Navy Federal Credit Union (ECF #10), is STRICKEN from the record as procedurally improper;
3. The Court shall proceed with adjudicating Plaintiff's pending Motion for Default Judgment.

BY THE COURT:

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Hon. Ashely M. Chan  
United States Bankruptcy Judge

**CERTIFICATE OF SERVICE**

I, Idris Abdus-Saber, hereby certify that on July 2, 2025, I caused a true and correct copy of the Motion to Strike Defendant's Motion to Dismiss Adversary Complaint, together with the Proposed Order, to be served via the Court's CM/ECF system and by U.S. Mail, postage prepaid, upon:

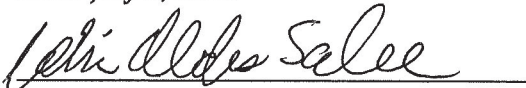
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1234 Market Street, Suite 1813  
Philadelphia, PA 19107

United States Trustee  
Office of the U.S. Trustee  
900 Market Street, Suite 320  
Philadelphia, PA 19107

Respectfully submitted,

Date: July 2, 2025

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Idris Abdus-Saber, Pro Se  
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